

APR 22 2019
CARROLL COUNTY DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE DISTRICT DIVISION
OSSIPEE

STATE

v.
JOSEPHINE AMATOCCE

CASE NUMBER 464-2018-CR
01490

MOTION TO DISMISS - NO PROBABLE CAUSE

1. ON DECEMBER 21 2018 THE DEFENDANT FILED
A "MOTION TO DISMISS" WITH THIS COURT AND THE RESPONSE
WAS "ARGUE AT TRIAL." JUDGE VETENZA.

2. LOWER, A MOTION TO DISMISS IS FILED TO ELIMINATE
A TRIAL. AND THERE IS NO ARGUMENT INVOLVED, THIS IS NOT
BASED ON FACT THIS IS BASED ON THE LAW,
3. I WAS ACCUSED OF VIOLATING RSA 631:2-A, 1 (B) WHICH
REQUIRES BODILY INJURY, AND THE DEFENDANT PROVED THAT
THE ALLEGED VICTIM STATED THERE WAS NO INJURY - ROBERT
MALONEY.

4. THEREFORE THE COMPLAINT ACCUSING ME OF THIS CRIME
WAS BASED ON FRAUD, TO MALICIOUSLY TEARIZE ME AND
TO INJURE ME. AS THE EVIDENCE WAS OBTAINED BY THE
STATE THEMSELVES THAT THERE WAS NO INJURY.

5. ALSO, THE MALICIOUS BELNAP COUNTY SHERIFF'S OFFICE AND
THE MALICIOUS WOLFBONE TOWN PROSECUTOR & POLICE
CHIEF, FILED AN AMENDED COMPLAINT THAT REQUIRED
THE DEFENDANT JOSEPHINE AMATOCCE'S SIGNATURE
UNDER THE LAW, HOWEVER, THE DEFENDANT WAS NEVER
NOTIFIED OF AN AMENDED COMPLAINT BEING FILED IN
THE COURT SHE WAS NEVER ASKED TO SIGN IT, IT
STATED THE NARRATIVE WAS UNCHANGED, ALTHOUGH IT
THE ORIGINAL NARRATIVE UNDER RSA 631:2-A, 1 (B)
THERE IS AN INJURY, AND UNDER THE AMENDED COMPLAINT
UNDER RSA 631:2-A 1(a) THERE IS NO INJURY. (BODILY)

4. ALSO, THE STATE
STATUTE, UND "SIMPLE ASSAULT" CONSTITUTING
A VIOLATION OF THE FIFTH AMENDMENT UNDER "DOUBLE
JEOPARDY".
5. DOUBLE JEOPARDY IS CHARGING A PERSON TWICE
FOR THE SAME OFFENSE.
THE PROHIBITION OF THE CONSTITUTION IS NOT
SO MUCH AS BEING TWICE CHARGED, BUT AGAINST
BEING TWICE IN JEOPARDY, ACCUSED OF AFTER
AN ACQUITTAL BY WAY OF AN AMENDED COMPLAINT.
6. THEREFORE THE FORM TO "AMEND COMPLAINT" HAS NOT
BEEN FILED PROPERLY ACCORDING TO THE RULES
OF FILING AN AMENDED COMPLAINT,
 - a) THE NARRATIVE IS NOT THE SAME UNDER
RSA 631:2-A 1(B) AND RSA:2-A 1(a);
ONE REQUIRES BODILY INJURY, THE OTHER
DOES NOT. THEY BOTH REQUIRE BODILY INJURY.
 - b) THE DEFENDANT WAS NEVER NOTIFIED
THAT AN AMENDED COMPLAINT WAS EVER
FILED IN THE COURT AND THEREFORE HER
SIGNATURE OF APPROVAL WHICH IS REQUIRED
TO AMEND THE COMPLAINT DID NOT APPEAR
ON THE COMPLAINT.
 - c) NONE OF THE BOXES INDICATING THE
CRIME SHE WAS CHARGED OF WAS MARKED.
 - d) THE AMENDED COMPLAINT WAS UNDER
THE SAME STATUTE OF SIMPLE ASSAULT
REGARDING A SINGLE ACT WHICH
CONSTITUTES A VIOLATION OF THE 5TH AMEND.

DOUBLE JEOPARDY

WHEREFORE; THERE IS NO TRIAL. MY MOTION TO DISMISS
DISMISSED THE ORIGINAL CLAIM STATE, THAT I FILED
ON DECEMBER 21, 2018, THAT THIS COMPLAINT WAS A
CONSPIRACY BY ALL INVOLVED TO INFIL HARM ON ME
A RETALIATION - OF WHICH UNDER THE LAW THEY
ARE ALL GOING TO BE ACCOUNTED FOR. THERE IS
NO TRIAL UNDER THE VIOLATION OF THE 5TH AMEND.

SPECIALLY
Josephine Gonatase
C. TOWN OF WILTON,
BENNINGTON COUNTY SHERIFF'S OFFICE

APRIL 22, 2019

BESIDES, IF NECESSARY, TO REPEAT, THE DEFENDANT HAS ASKED FOR A CONTINUANCE, AS THIS CASE IS GOING TO A JURY OF MY PEERS FOR DAMAGES AVAILABLE IN FEDERAL COURT.

^{DEPTICED}
MOTION GRANTED DENIED

CLL
Charles L Greenhalgh, Judge

5/7/19

JUSTIA

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New Hampshire Revised Statutes

2010 New Hampshire Statutes
TITLE LXII CRIMINAL CODE
CHAPTER 631 ASSAULT AND
RELATED OFFENSES
Section 631:2-a Simple Assault.

Universal Citation: NH Rev Stat § 631:2-a (1996 through Reg Sess)

631:2-a Simple Assault. –

- I. A person is guilty of simple assault if he:
 - (a) Purposely or knowingly causes bodily injury or unprivileged physical contact to another; or
 - (b) Recklessly causes bodily injury to another; or
 - (c) Negligently causes bodily injury to another by means of a deadly weapon.
- II. Simple assault is a misdemeanor unless committed in a fight entered into by mutual consent, in which case it is a violation.

Source. 1979, 126:3, eff. Aug. 4, 1979.

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Entered Agency Case #		Agency	CARROLL COUNTY
Tracking #	TNH040194657		
Arrest Date	09/04/2019	Violation Date	08/06/2018
Arrested on Warrant	Y	Violation End Date	
Offense	631:2-A, SIMPLE ASSAULT	Violation on Or About	
Degree	MISDEMEANOR	Fingerprint Supported	Y
Inchoate			
Special condition			
Comments	EBW		

Complaint as Filed Offense (CAAFF)

Docket	464-2018-CR-01490	Violation Date	08/06/2018
Charge Id	1564240C	Violation End Date	08/06/2018
Degree	MISDEMEANOR B	Inchoate	
Offense	631:2-A,I(B). Simple Assault; BI	Court	OSSIPEE-D
Comments			

Court Disposition

Disposed Offense	631:2-A,I(A), SIMPLE ASSAULT; PHYSICAL CONTACT OR BI	Docket	464-2018-CR-01490
Degree	MISDEMEANOR B	Charge Id	1564240C
Court	OSSIPEE-D	Indicted	
Court Date	11/21/2019	Appeal	
Violation Date	08/06/2018	Violation End Date	08/06/2018

Findings

Plea Date	02/06/2019	Plea	NOT GUILTY
Finding Date	11/21/2019	Finding	GUILTY
Judge	GREENHALGH, CHARLES L		

Comments

Amended Reason

Description	Comments
VACATED	

Sentence

Date	11/21/2019	Type	SENTENCED
Judge	GREENHALGH, CHARLES L		

Amended Reason

Sentence Condition

Description	Amount	Comments

Ref: 18-153-OF

On October 2, 2018 I received a telephone call from Chief Rondeau. He informed me he was made aware by his prosecutor, I had sent the paperwork to him for review. He said he would recommend sending Ms. Amatucci a must appear citation and avoid an actual physical custody arrest and processing. He stated it would be to the best interest in all parties to handle this case as least intrusive as possible, as previous contacts with Ms. Amatucci have caused hostility. He indicated Ms. Amatucci has always shown up at court accordingly and does not believe she would need to be bailed traditionally. He further told me the Ossipee Court allows for hand summons to be issued on Class B Misdemeanor cases.

As a result of the conversation and direction of Chief Rondeau, I will be sending Ms. Amatucci the court complaint via certified receipt mail through the US Postal Service, rather than following through with a traditional warrant arrest process. November 1, 2018 court date will be given.

The Belknap County Sheriff's Department was also asked by the Wolfeboro Police Department to prosecute this case accordingly.

Belknap County Sheriffs Department

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NARRATIVE FOR SERGEANT WILLIAM WRIGHT

Ref: 18-153-OF

U.S. DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

AUG 12 2021

I told him I would conduct the investigation and would be forwarding the conclusion once completed.

FILED

On September 7, 2018 I responded to the Wolfeboro Solid Waste Disposal Building, 400 Beach Pond Rd Wolfeboro, NH. At approximately 0940 hours, I met with the victim of this incident:

Robert Maloney

The building office was open and had foot traffic from the busy dump day. I was told we could use the office, but might be interrupted during the interview. I began the recorded interview asking Mr. Maloney about the incident.

He informed me on August 7, 2018 at approximately 2 p.m., he was standing in the doorway of the building office. He witnessed Josephine Amatucci speaking with Supervisor Steve Champaigne about a couple of people who were making a mess with a U-Haul truck. The people had been emptying the truck and had items spread out. Ms. Amatucci was told Mr. Champaigne had already told the people they were to clean up the mess before they left. Ms. Amatucci then walked off. As short time later, Mr. Maloney was still standing in the door way when Ms. Amatucci came to him from the flank. She then pushed him on his left side with her hands, causing him to lose his balance and fall down the two stairs into the office. She followed him into the office and began yelling at Mr. Champaigne, who was already in the room. She argued about the mess caused by the U-haul truck. After a few moments she then left. Mr. Maloney told me Ms. Amatucci did not have permission to put her hands on him. He did not have any injuries as a result of this assault. He told me she had no real reason to push him and that she could have easily walked around him. We were interrupted a couple of times during the interview, with patrons of the dump. The facility was extremely busy and there was limited staff on hand.

*HERE HE IS CONFESSING HE WAS BLOCKED THE DOOR TO THE OFFICE
AND WAS REFUSING TO MOVE OVER IF HE WAS AT THE DOOR, WHICH HE WAS NOT
AT THE DOOR*

When I asked about his relationship with Ms. Amatucci and he told me he knew her from him working at the dump for the last 20 years. He said she was a frequent customer and had no idea what her concern with the U-haul truck was. His recorded statement is part of this report.

I HAVE A RESTRAINING ORDER (ACTIVE) ON HIS CRAZY MOTHER

I then spoke with:

*Lil*Joshua Nason
DoB: 12/25/93

who advised me he was a witness to the assault. Again I audio taped this interview in the same office. Mr. Nason informed me he had seen Ms. Amatucci come up to Mr. Maloney from the side. She then pushed him, causing him to fall down the stairs. She then commenced to yell at Mr. Champaigne telling him he was rude to people. She yelled for a few minutes then left. He said he left the office just after the assault. He said he did not hear of any injuries but he was aware she had no right to push him. His recorded statement is attached to this report.

I was informed Steve Champaigne was on vacation and would not be returning until the 17th. I told the employees I would be following up with him once he returned.

I went to the Wolfeboro Police Department and spoke with a Captain. He gave me an IMC printout of Ms. Amatucci's information and contacts Wolfeboro Police Department had with her over the years. I then met

Case Number: 46042018CR 1490Charge ID: 1564L40L

<input type="checkbox"/> VIOLATION	MISDEMEANOR	<input type="checkbox"/> CLASS A	<input checked="" type="checkbox"/> CLASS B	<input type="checkbox"/> UNCLASSIFIED (non-person)
FELONY	<input type="checkbox"/> CLASS A	<input type="checkbox"/> CLASS B	<input type="checkbox"/> SPECIAL	<input type="checkbox"/> UNCLASSIFIED (non-person)

You are to appear at the: **3RD CIRCUIT - DISTRICT DIVISION - OSSIPEE** Court,Address: **96 WATER VILLAGE RD, BOX 2, OSSIPEE, NH**County: **CARROLL**Time: **0800 AM**Date: **JANUARY 9, 2019****NOV 20 2018**

Under penalty of law to answer to a complaint charging you with the following offense:

THE UNDERSIGNED COMPLAINS THAT : PLEASE PRINT**OSSIPEE
DISTRICT DIVISION**

AMATUCCI	JOSEPHINE	
Last Name	First Name	Middle
350 GOV WENTWORTH HWY	WOLFEBORO	NH 03894
Address	City	State Zip
F W 508	187	BROWN BLACK
Sex Race	Height	Weight
09/27/38	09AIJ38271	Eye Color NH
DOB	License #:	OP License State
<input type="checkbox"/> COMM. VEH.	<input type="checkbox"/> COMM. DR. LIC.	<input type="checkbox"/> HAZ. MAT. <input type="checkbox"/> 16+PASSENGER

AT: **400 BEACH POND RD, WOLFEBORO NH**

On 08/06/2018 at 2:00 PM in CARROLL County NH, did commit the offense of:

RSA Name: **Simple Assault; BI**Contrary to RSA: **631:2-A,I(B)**

Inchoate:

(Sentence Enhancer):

And the laws of New Hampshire for which the defendant should be held to answer in that the defendant did:

commit the crime of Simple Assault in that she knowingly caused unprivileged physical contact to another, to wit, Robert Maloney by pushing Robert Maloney with her hands, on his upper arm/shoulder. Said offense constituting a Class B Misdemeanor;

ORIGINAL

against the peace and dignity of the State.

 SERVED IN HAND

Complainant Signature

Sergeant William Wright

Belknap County Sheriffs Department

Complainant Printed Name

Complainant Dept.

Making a false statement on this complaint may result in criminal prosecution.

Oath below not required for police officers unless complaint charges class A misdemeanor or felony (RSA 592-A:7.I).

Personally appeared the above named complainant and made oath that the above complaint by him/her subscribed is, in his/her belief, true.

Date

Justice of the Peace

2/15/2022

Number:

Charge ID: